United Nations S/PV.4753 (Resumption 1)

Security Council

Fifty-eighth year

Provisional

4753rd meeting

Tuesday, 13 May 2003, 3.15 p.m.
New York

President:	Mr. Akram	(Pakistan)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Belinga-Eboutou
	Chile	Mr. Valdés
	China	Mr. Wang Yingfan
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Guinea	Mr. Traoré
	Mexico	Mr. Aguilar Zinser
	Russian Federation	Mr. Lavrov
	Spain	Mr. Arias
	Syrian Arab Republic	Mr. Wehbe
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Negroponte

Agenda

The role of the Security Council in the pacific settlement of disputes

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03-35745 (E)

The meeting resumed at 3.25 p.m.

The President: I should like to inform the Security Council that I have received a letter from the representative of Armenia, in which she requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Ms. Davtyan (Armenia) took the seat reserved for her at the side of the Council Chamber.

The President: The next speaker inscribed on my list is the representative of Greece. I invite him to take a seat at the Council table and to make his statement.

Mr. Vassilakis (Greece): Since this is the first time we are speaking under your presidency, Sir, allow me first of all to congratulate you on your assumption of your duties. I should also like to express our warm congratulations to the previous President, the Permanent Representative of Mexico, on his excellent work.

I have the honour to speak on behalf of the European Union. The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia, the associated countries Bulgaria, Romania and Turkey, and the European Free Trade Association country belonging to the European Economic Area Iceland declare that they align themselves with this statement.

The maintenance of international peace and security is a major concern of the European Union. In that respect, we firmly support all efforts undertaken in the United Nations and within regional organizations to strengthen mechanisms aimed at the prevention or removal of disputes that might threaten international peace and security and at the peaceful settlement of such disputes.

The European Union is fully committed to the implementation of existing international instruments and to the relevant principles and rules concerning the peaceful settlement of international disputes. We strongly uphold the principle that States should act so as to prevent, in their international relations, the emergence or aggravation of disputes or situations, in particular by fulfilling their obligations under international law. Likewise, we believe that it is the duty of all States, in accordance with the principles of the Charter of the United Nations, to use peaceful means to settle any dispute to which they are party and whose continuance is likely to endanger international peace and security.

In that respect, the European Union attaches great importance to Chapter VI of the Charter and, in particular, to the various methods for the prevention and settlement of disputes that are incorporated in its Articles 33 to 38. We consider, however, that States should make the most effective use of those procedures and methods, as was also indicated in General Assembly resolution 55/217.

We would also like to emphasize the importance of judicial mechanisms in the prevention and resolution of legal disputes. In our view, early and more frequent resort to these mechanisms, in particular the International Court of Justice and the International Tribunal for the Law of the Sea, would greatly contribute to the maintenance of international peace and security and the promotion of the primacy of international law in international relations.

The European Union wishes to underline the primary role of the Security Council, in accordance with the Charter, in the area of the peaceful settlement of disputes or any situation the continuation of which is likely to endanger international peace and security. In this connection, we would like to stress the obligation of States, in accordance with the Charter, to refer to the Council a dispute to which they are parties if they fail to reach an early solution by any of the means indicated in Article 33 of the Charter.

In the report entitled "An Agenda for Peace: preventive diplomacy, peacemaking and peacekeeping", the Security Council was urged to take full advantage of the opportunities provided for by the Charter in order to recommend appropriate procedures or methods for dispute settlement and to make recommendations to parties for the pacific settlement of disputes. We fully support that recommendation, which is also in line with Article 36 of the Charter.

We are also of the view that the Security Council should act without delay, in accordance with its

functions and powers, particularly in cases where international disputes develop into armed conflict.

The Security Council should also emphasize the importance of the peaceful settlement of internal conflicts, the number of which has increased significantly during the past decade.

The European Union considers the role of the General Assembly in relation to the peaceful settlement of disputes to be important, in particular in developing recommendations, as appropriate, or calling the attention of the Security Council to situations that are likely to endanger international peace and security. We think that the Assembly should make the most effective use of its relevant competences under the Charter.

We also believe that the Secretary-General is entrusted with important responsibilities in relation to the peaceful settlement of disputes. We commend him for his activities already deployed in this area, and we urge him to continue to make full use of those responsibilities, particularly by bringing to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

The European Union is of the view that preventive diplomacy and early warning can prevent the emergence and escalation of disputes, and it wishes to underline the important role played in this respect by the Security Council, the General Assembly and the Secretary-General. We are convinced that those bodies should continue to play that role and should further enhance it.

Likewise, we support the declarations and resolutions of the General Assembly concerning dispute prevention that call for strengthening the capacity of the United Nations to respond effectively and efficiently in matters relating to dispute prevention, including through strengthening cooperative mechanisms for information-sharing, planning and developing a comprehensive plan for a revived early-warning and prevention system for the United Nations; training intended to support such enhanced capabilities in these areas; and cooperation with regional organizations.

The European Union is also of the view that regional arrangements and agencies also play an important role in the peaceful settlement of local disputes and in the prevention and elimination of such disputes. Some of these regional arrangements have elaborated significant political and legal instruments providing for mechanisms for the peaceful resolution of disputes. The European Union urges States parties to such arrangements or members of such agencies to try to achieve the pacific settlement of their disputes through such mechanisms, in accordance with Articles 33 and 52 of the Charter.

Finally, the European Union believes that there is a need to increase regional responses to local disputes by strengthening the dispute-settlement mechanisms and capacities of regional arrangements and agencies. In this respect, greater cooperation and coordination with the United Nations will benefit both and will contribute to lasting peace and security.

The President: The next speaker inscribed on my list is the representative of Honduras. I invite him to take a seat at the Council table and to make his statement.

Mr. Acosta Bonilla (Honduras) (*spoke in Spanish*): I am pleased to see you, Sir, presiding over this important Security Council meeting.

The international community has placed its hope in the United Nations and firmly believes in its conciliatory and peaceful role. It also believes that that is a fundamental factor for the economic development and well-being of our peoples. Security, peace and economic development constitute the triple equation that sustains the peoples of the Earth. What can a country hope for without internal or international security? How can we work towards economic development if there is no security? Economic, social and cultural development cannot be achieved if valuable resources are spent on ensuring internal and international stability while education, food, health and infrastructure programmes are postponed.

That observation leads us to acknowledge the importance of this open meeting of the Security Council. New challenges threaten world peace and are the impetus to unite the world's efforts and resources to meet them. Terrorism and drug trafficking are a tremendous threat to humankind and, together with the spread of pandemics, could lead to the destruction of broad social sectors in all parts of the world. Hunger, AIDS, malaria and, recently, SARS — the severe acute respiratory syndrome: each alone could decimate the population of the planet.

We must make rational use of our collective resources in order to meet those enormous challenges. To do that, we must strengthen the role of the United Nations, in particular the Security Council. Bolstering and enhancing our Organization, reviewing its working methods and bringing together mechanisms that can enable the Organization to work efficiently is an essential task that will allow us to resolve, together, the enormous challenges threatening humankind now and in the future.

The Honduran people faithfully comply with international law. Our national constitution is an expression of our commitment to peace. We have therefore signed all instruments relating to the peaceful settlement of international disputes, and we recognize unreservedly the jurisdiction of the International Court of Justice and abide solemnly by its decisions. Furthermore, we trust in the Security Council as a guarantor for carrying out the sentences handed down by international justice bodies. Peace, security and development at both the international and national levels will be thwarted if there is no consensus in the Council and if we cannot guarantee compliance with the sentences imposed by the International Court of Justice or one of the main international tribunals that have been created.

The Council must solemnly voice its opinion on this issue and fully support the decisions of the International Court of Justice and other world legal forums. A more active diplomacy on the part of the Secretary-General, a greater capacity for analysis and the proper use of resources available to the specialized agencies of the United Nations can make a substantive contribution to the prevention of possible conflicts, as the reports of the Secretary-General to the Security Council must reflect in a timely fashion the information available on possible inter-State and intra-State conflicts that fall within the purview of the United Nations. That mechanism can be more effective if the Council, when it is informed of a potential conflict, were to invite the parties to a meeting of special consultations in order to recommend or promote an early solution to the conflict.

The Honduran people place our trust in the procedures of international organizations for the settlement of international conflicts and for facing the major challenges facing humankind. That is why we support our world Organization and ask for all countries' respect and support for the functioning of the Organization and implementation of and compliance with its resolutions.

In the twenty-first century, the men and women living on this small planet are committed to eradicating the major calamities facing humankind — wars, hunger, slavery and disease — in order to achieve a full life allowing for unlimited material well-being and spiritual development for all people. That goal is within our reach. The process must be led by the Security Council.

The President: The next speaker inscribed on my list is the representative of India. I invite him to take a seat at the Council table and to make his statement.

Mr. Nambiar (India): Let me begin by congratulating Pakistan and you personally, Sir, on your assumption of the presidency of the Security Council for the month of May 2003. We were happy to have His Excellency Mr. Khurshid Kasuri, Minister for Foreign Affairs of Pakistan, in our midst this morning at this Council meeting dedicated specifically to a subject of your choice. I also take this opportunity to congratulate Mexico on its handling of the presidency of the Council last month.

The subject for consideration by the Council today is the peaceful settlement of disputes. The faith of nations in this world body is embedded in the collective commitment of its Members to the purposes and principles of the Charter of the United Nations. The maintenance of international peace and security is the principal purpose of the Charter and involves the prevention and removal of threats to the peace, as well as the suppression of acts of aggression. Equally, the emphasis upon bringing about the adjustment or settlement, by pacific means and in conformity with the principles of justice and international law, of international disputes or situations that might lead to a breach of the peace is no less prominent a purpose. Indeed, together they constitute the very first purpose of the United Nations under Article 1, paragraph 1, of the Charter. More than 50 years ago, speaking before the United Nations, Prime Minister Jawaharlal Nehru declared:

> "This Assembly took shape after two mighty wars and as a consequence of those wars. ... The lesson of history, the long course of history, and more especially the lesson of the last great wars which have devastated humanity, has been that out of hatred and violence only hatred and violence will

> come. We have got into a cycle of hatred and violence, and not the most brilliant debate will get us out of it, unless we look some other way and find some other means. It is obvious that if [we] continue in this cycle and have wars which this Assembly was especially meant to avoid and prevent, the result will not only be tremendous devastation all over the world but the non-achievement by any individual Power or group of its objective." (*A/PV.154, pp. 16-17*)

Every nation, big or small, strives for a basic modicum of stability in its domestic and international environment in order to enable it to pursue its own national objectives. Every nation thus has a legitimate interest in matters of peace and war and must shoulder its responsibility to ensure that end. Where disputes between States or situations between States that might endanger international peace and security arise, it is incumbent upon those States to settle them by peaceful means. Article 2, paragraph 3, of the Charter specifically enjoins this upon all Member States. Where the United Nations has a role and relevance, its efforts should be welcomed. A basic premise of the pacific settlement of disputes relates to the provision under the Charter calling on all Member States to first resort to peaceful means in settling disputes that threaten the maintenance of international peace and security. The opening article of Chapter VI, Article 33, paragraph 1, makes it clear that the parties to any dispute likely to endanger the maintenance of international peace and security

> "shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangement, or other peaceful means of their own choice."

The Charter establishes no hierarchy among the various means enumerated therein.

A cursory look at Chapter VI shows that it concerns only those disputes that endanger the maintenance of international peace and security. Not all disputes that affect States or exist between States are covered. While it needs to be recognized that the Security Council and the General Assembly have in the normal course rarely refused to admit a question for failing to fulfil the clause "likely to endanger the maintenance of international peace and security" and have chosen to interpret this Article liberally, they have generally adopted a flexible and pragmatic approach, one that has been based on a recognition of the political realities on the ground rather than on purely legalistic approaches.

Evidently, the means provided for in Article 33 are not intended to be exhaustive. The reference to "other peaceful means of their choice" was clearly added to provide the parties with greater freedom of choice. The drafters desired action by the Organization only as a last resort, with the onus left upon the parties to settle disputes peacefully among themselves either directly, through the means listed in the Article, or through resort to regional organizations if need be.

The idea that local disputes should be solved locally seems to have been favoured by the drafters. Even where the Council or the Assembly has taken up consideration of a situation or question, the primary responsibility for settlement remains with the parties themselves. Article 36, paragraph 2, requires the Council to take into consideration the existence of agreements between the parties for the pacific settlement of disputes and the procedures adopted by the parties prior to requesting the Council to take up the issue. Given this primary responsibility resting with the parties to settle their differences or disputes between themselves, the competence of the United Nations organs is only subsidiary. Likewise, the measures outlined in Chapter VI are non-coercive and possess no legally binding character beyond what has been accepted by parties and within the terms of their own understanding of such acceptance of commitment.

How far does the power of the Security Council under Chapter VI extend? It is pertinent to note that Article 33 requires the Council, when it deems necessary, to call upon the parties to settle their disputes by peaceful methods; but the choice of means of settlement by parties, strictly construed, should entail that the parties are bound no further than to engage their best efforts to find a peaceful solution. The requirements of specific results are not indicated.

The Council's power to investigate in order to decide whether a dispute or a situation requires its attention or whether it constitutes an independent basis of action is derived from Article 34. While invocation of that Article has in specific instances constituted the preconditions calling upon the parties under Article 33, paragraph 2, or for making recommendations under Article 36 or Article 37, paragraph 2, this Article has

also been used to determine whether or not a dispute or situation actually does endanger international peace and security.

Article 36 gives the Council power to recommend appropriate procedures or methods of adjustment for situations brought before it. The procedure recommended in Article 36 should take into consideration any procedure for the settlement of disputes that has already been adopted by the parties. But in the choice of procedures under this Article, the Council is not bound by the list included in Article 33, paragraph 1. The Council may devise new methods or suggest a combination of existing procedures, coupled with its recommendations for a particular procedure, with advice that the parties should consider other suitable methods. The distinction between the appropriate procedures or methods of adjustment that can be recommended by the Council and the terms of settlement that can be recommended by the Council under Article 37 is not always clear.

For its part, the General Assembly has over the years attempted to enhance the effectiveness of the peaceful settlement of disputes between States through its own resolutions and declarations. The Manila Declaration on the Peaceful Settlement of International Disputes, of 15 November 1982 (resolution 37/10), and Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field, of 5 December 1988 (resolution 43/51), are important in this respect. An examination of these resolutions and declarations indicates that they relate to the settlement of all disputes and are not confined only to the disputes referred to in Chapter VI of the Charter.

These resolutions and declarations, furthermore, reiterate the right of all States to resort to peaceful means of their own choice for the prevention and removal of disputes or situations, which is central to the pacific settlement of disputes in the following manner. In seeking a peaceful settlement the party shall agree on such peaceful means as may be appropriate to the circumstances of the States and the nature of the dispute. In the event of a failure of the parties to reach an early solution by means specified in the Charter, the parties should continue to seek a peaceful solution and consult forthwith on mutually agreed means to settle the dispute peacefully.

A further important element insisted upon in these declarations is that States should, in accordance with international law, implement in good faith all the provisions and agreements concluded by them for the settlement of disputes affecting them. Resolutions adopted by the General Assembly in that regard may suggest the use of various means at its disposal. Where cases arise of the Secretary-General making use of fact-finding capabilities relating to a dispute or a situation, they are to be pursued only with the express consent of the State or States concerned.

The path of negotiation is seen by many distinguished jurists as the most preferable method of dispute settlement. First, since the resolution of the dispute is by mutual consent, often arrived at after a kind of bargaining that involves elements of give and take, there is a greater probability of the parties carrying out the agreement faithfully. Secondly, if government by consent expresses the spirit of democracy, then the diplomacy of bilateral negotiations is nearest to that spirit. Thirdly, arbitration and judicial settlement are essentially zero-sum games. By contrast, in bilateral diplomacy each party seeks to get something it desires, with the total pay-off becoming a variable sum that provides each side scope for maximizing that sum — in other words, the process of bilateral negotiation would be more likely to lead to a win-win situation for both the parties. Fourthly, an imposed solution to a dispute is likely to be reopened by the party that feels aggrieved or feels that it was compelled at the time of settlement, thus proving to be no real settlement at all.

A decade ago, the report of the Secretary-General entitled "An Agenda for Peace" (S/24111)stated that if conflicts had gone unresolved in the past, it was not because techniques for peaceful settlement were unknown or inadequate. The fault lay first in the lack of political will of parties to seek a solution to their differences through such means as are suggested in Chapter VI of the Charter and, secondly, in the lack of leverage at the disposal of a third party if that was the procedure chosen. Each party tends to seek a better solution than what it had been called upon to accept. A third party might not find a reason to use the leverage it has for the settlement of the particular dispute. Where it has, the development of a different order of vested interests cannot be ruled out.

Some disputes, given their specific character and complexity, may not be amenable to resolution

according to any pre-set time schedule. It is true that, apart from the danger of the eruption of violence because of an unresolved dispute, an unresolved conflict relating to resources might stand in the way of exploitation of the resources for the benefit of the community. If the dispute related to a territory under colonial occupation or alien domination, non-resolution would place the people concerned in a condition of uncertainty or prolong their travails or sufferings. However, its indiscriminate applicability to situations of irredentist, secessionist or other political movements within independent States with composite populations of different ethnic and religious persuasions can be extremely risky, even destabilizing. This could be even more serious when such movements are externally inspired or assisted.

In a world where the indispensability of the sovereign State as the fundamental political unit of the international community is still vigorously reaffirmed, the perceptions by States of their territorial integrity and the essential values undergirding their respective political structures are bound to rank as the utmost priority. This will admit little compromise.

Against this background, we would commend the emphasis placed by the Manila Declaration on the obligation of States to settle international disputes on the basis of the sovereign equality of States and in accordance with the principle of free choice of means, thus incorporating one of the basic principles of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)). In particular, the Declaration on Friendly Relations states that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State or country or at its political independence is incompatible with the purposes and principles of the Charter.

No State can permit aggression against its own territory. Nothing in the Charter can impair the inherent right of each Member State to take all necessary measures for its self-defence if there is an armed attack against it. This is equally true if a State is subjected to a continuous low-intensity proxy war through infiltration, cross-border terrorism or other means using force. Where Member States have agreed to implement resolutions of the United Nations, they are justified in expecting such implementation to be complete and in the sequence agreed to without emasculation, revision or reinterpretation. Where attempts are made to apply such resolutions selectively or in a partial, self-serving manner, they have obviously not worked, but have only served to subvert the original spirit of these resolutions. In some cases, over time their subtext has changed and they have proved obsolete, defunct or overtaken by events on the ground.

India's experience with the working of the United Nations has been sufficiently long and educative for us to remain vigilant of the threats, pressures and blandishments that have been exerted upon us during various periods of our history in the guise of furthering the pacific settlement of disputes affecting us. Our stance has been consistent and principled. We have not been deterred by the temporary approbation or opprobrium of the members of this body or other bodies of this Organization, despite our abiding respect for it. We remain confident that we retain the understanding, sympathy and support of its broader membership in our overall stance. For the rest, we are fully conscious of being able to summon the firmness and resilience needed to safeguard our national interests. We are also aware that, more than anything, we need to remain continuously responsive to and reflective of the needs and aspirations of our peoples as expressed through our own democratic institutions.

It is our view that the democratic norm provides the best possible means to address discontent within societies and disputes between them. Respect for pluralism and diversity is fundamental to that approach. A society that promotes democratic norms and respect for tolerance is better placed to address disputes than one that lacks those values. Democratic societies are far less prone to extremist ideologies based on conflict, violence or militarism. They are also less inclined to wage wars. Periodic elections that make political leaders accountable to parliaments and to voters act as a regular check against any predisposition to policies of military adventurism.

As Prime Minister Vajpayee said recently,

> "If the twentieth century saw the global growth of democracy, the new century should see its further expansion and enrichment. Especially, we should develop democracy as an effective instrument for fulfilling people's aspirations and resolving conflicts and contentious issues.

> History has proved time and again that free and democratic societies are the ones that are creative, self-corrective and self-regenerative."

I wish to conclude by returning to the speech to which I referred in the beginning of my statement, in which Prime Minister Nehru of India declared that he had no fear of the future. He went on to say,

> "... if we banish this fear [of the future], if we place confidence, even though we may take risks [of trust], rather than to risk violent language, violent actions and in the end war, I think those risks are worth taking." (*A/PV.154, p. 22*)

The President: I thank the representative of India for his kind words.

The next speaker inscribed on my list is the representative of Azerbaijan. I invite him to take a seat at the Council table and to make his statement.

Mr. Aliyev (Azerbaijan): I should like to join previous speakers in thanking you, Mr. President, for convening this special meeting. I am certain that its topic is of great importance to all Member States, and I should particularly like to take this opportunity to thank the presidency for its efforts to explore more fully the Security Council's capacity for promoting the pacific settlement of disputes.

I believe that each of us is motivated by the objective of strengthening the primary role of the Security Council so that it may fully and effectively discharge its responsibilities under the Charter of the United Nations, in the area of the settlement of disputes or of any situation whose continuance is likely to endanger the maintenance of international peace and security. Otherwise, an inability on the Council's part to peacefully manage disputes would lead us to a world order where force was the only or the preferred option. Therefore, I sincerely believe that the peaceful settlement of disputes remains the ultimate, albeit difficult, aim of any attempt to strengthen international security.

Theoretically, the end of the cold war and numerous manifestations of cooperative relations among the major Powers, on the one hand, and the collapse of the Soviet Union and the emergence of a number of conflict-torn States, on the other, should have provided the Security Council with new opportunities to carry out the primary role in the peaceful settlement of disputes, as new Member States have asked it to do. Here, it is relevant to emphasize that Chapter VI of the Charter of the United Nations sets forth a comprehensive list of peaceful means for the pacific settlement of disputes.

Although the romanticism and great expectations that the new fledgling democracies enjoyed upon their admission have largely disappeared, Azerbaijan continues to believe that the United Nations — as the only universal Organization contributing to a comprehensive value system aimed at the maintenance of peace and stability — and its institutions have played and continue to play an important role in building a new security architecture.

In the meantime, we must be honest in acknowledging a number of serious deficiencies — and sometimes even failures — of the Security Council. First and foremost, the Council has not always been successful and consistent in implementing its own resolutions, especially with regard to conflict settlement. One need only take a quick look at the situation surrounding the conflict in and around the Nagorny Karabakh region of Azerbaijan, where a lack of implementation of Council resolutions has had a dreadful impact on the settlement process. One fifth of my country's territory remains under Armenian occupation. An entire generation of victims of the conflict has grown up in the numerous refugee camps in Azerbaijan. Their unbearable pain and deep frustration can hardly be ignored, either domestically or internationally.

Only two weeks ago, we commemorated the tenth anniversary of resolution 822 (1993), adopted by the Security Council on 30 April 1993, condemning the occupation of the Azerbaijani district of Kelbadjar by the Armenian armed forces. Neither that resolution nor three subsequent ones demanding the immediate, unconditional and full withdrawal of the Armenian armed forces from the occupied territories of Azerbaijan have been implemented. Unfortunately, they remain dead letters. Armenia's flagrant, decade-long violation of Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993) was a primary concern of the recent identical letters from the Foreign Minister of Azerbaijan, Mr. Vilayat Guliyev, addressed to the Secretary-General and to the President of the Security Council and contained in document S/2003/528.

Similarly, we are concerned that, despite the fact that resolution 884 (1993), in operative paragraph 8, requests

> "... the Secretary-General, the Chairman-in-Office of the Conference on Security and Cooperation in Europe (CSCE) and the Chairman of the CSCE Minsk Conference [to] continue to report to the Council on the progress of the Minsk process and on all aspects of the situation on the ground ... and on present and future cooperation between the CSCE and the United Nations in this regard",

none of those institutions has ever reported to the Security Council on the matter in question. I should like to take this opportunity to rectify the situation by informing Council members of the fact that the Minsk process will not result in any progress until Armenia ceases to view itself as something beyond the framework of international law and stops trying to achieve a forceful solution of the conflict on the basis of a fait accompli.

Nor will progress be achieved through the mediators' efforts, which are not based on an international legal framework for the settlement. This is another concern that, I believe, merits consideration by the Security Council and has direct bearing on the settlement process. The Council should be more resolute and should ensure that the mediators' activity does not go beyond the universally recognized norms and principles of international law.

With respect to the issue of fostering mutual confidence between Armenia and Azerbaijan, so actively endorsed by the mediators, allow me to stress that nothing other than the liberation of the occupied Azerbaijani territories will restore my country's confidence in Armenia.

The continuation of the conflict threatens not only the security of my country, but also that of the whole region and that of all of Europe. The situation demands principled approaches and actions on the part of the international community. Impartiality with regard to the settlement process has nothing to do with the wait-and-see policy taken by the Security Council. It is of paramount importance that the Council stand for strict observance of its resolutions by all United Nations Member States. My delegation is strongly convinced that inconsistency in upholding its resolutions is absolutely inadmissible for and detrimental to the prestige of the United Nations organ primarily responsible for the maintenance of international peace and security. There is no expiration date for the Security Council's resolutions until they are implemented. Therefore, I reiterate our appeal to the Security Council to insist on the implementation of its resolutions regarding the conflict in and around the Nagorny Karabakh region of the Republic of Azerbaijan as an unaccomplished task of its own agenda.

Azerbaijan remains committed to the peaceful settlement of this protracted conflict based on full respect for the norms and principles of international law, full implementation of the relevant Security Council resolutions and the appropriate documents and decisions of the Organization for Security and Cooperation in Europe. But one need be under no illusions: compromises on our side will never compromise our territorial integrity.

In conclusion, I wish to emphasize that all the foregoing proves the necessity of the serious engagement of the broader United Nations membership in the process of strengthening the Security Council's role in the peaceful settlement of disputes. The United Nations Charter offers vast possibilities for action by the Security Council to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to contain and resolve conflicts when they occur.

We are grateful to the Pakistani presidency for its important initiative and hope that today's deliberations will make a tangible contribution to the matter in question.

The President: I thank the representative of Azerbaijan for his kind words.

The next speaker inscribed on my list is the representative of Colombia. I invite him to take a seat at the Council table and to make his statement.

Mr. Giraldo (Colombia) (*spoke in Spanish*): Let me begin by congratulating you, Sir, on your assumption of the presidency of the Security Council. I also welcome your initiative to organize this event.

I also congratulate Mexico for its handling of the presidency of the Council last month.

As stated by the President in the document distributed on the topic, the United Nations Charter

offers the Security Council vast possibilities of action to prevent disputes from arising between parties, to preclude disputes from escalating into conflicts and to contain and resolve conflicts when they occur. These possibilities, provided for in Chapter VI of the Charter, are complemented by the competences given to the General Assembly in Articles 11 and 12 and to the Secretary-General in Article 99, as well as by the three resolutions of the General Assembly mentioned by the President in his document.

Colombia, which has based its international policy on the full respect and promotion of the principles and purposes consecrated in the United Nations Charter, grants particular importance to the pacific prevention of disputes based on the principles of the sovereign equality of States, non-intervention, good faith and the spirit of cooperation. In seeking a prompt and fair settlement of a dispute, we prefer direct negotiations as an efficient and flexible means, but we recognize that States have the right to choose freely from other legitimate ways that they may consider more appropriate.

The Charter of the United Nations and the 1982 Manila Declaration on the Peaceful Settlement of International Disputes refer only to the pacific settlement of international disputes — in other words, between States — and to the prevention of international conflicts. Nowadays, the world in general and the United Nations in particular are concerned with internal conflicts in many States. In this regard, it has also been acknowledged that it is the affected State's fundamental responsibility to prevent and eliminate disputes and conflicts and that any activity undertaken by United Nations organs must be at that State's request. Because many of these conflicts evolve in circumstances of an international and transnational nature, the principle of international cooperation in the resolution of such conflicts at the regional and global levels acquires particular importance.

Colombia would call the attention of this Council and of the international community to the external factors that affect many of the internal armed conflicts that exist throughout the world. Such factors require the commitment and cooperation of all States and international institutions, starting with the United Nations. The role of diamonds in the financing of armed conflict in Africa has been well recognized. Many important mechanisms have been created to monitor the international trade in diamonds and to prevent its profits from fuelling the conflict.

In the same way, it is necessary to recognize the role of the illicit drug trade, a criminal transnational activity, and related crimes in the funding of internal armed conflicts. A terrible alliance has been forged between drug traffickers and illegal armed groups that finance themselves through such activities. The weapons and explosives by which these groups spread death are negotiated for and acquired externally. They are paid for using international banking accounts fattened by the drug trade. The chemical precursors indispensable to fabricate illicit drugs continue to reach countries in conflict without any appreciable control.

All of these external elements not only fuel such internal armed conflicts, but also increase the violation of human rights, a crucial topic for the United Nations and other international organizations, as well as for many Member States.

In resolution 44/21, the General Assembly

> "Encourages Member States to consult and cooperate within the framework of the United Nations, the Security Council, the General Assembly and their appropriate subsidiary bodies in order to find multifaceted approaches to implement and strengthen the principles and the system of international peace, security and international cooperation laid down in the Charter." (*resolution 44/21, para. 3*)

The issue of external factors that fuel internal conflicts deserves such an approach, which demands the action of States and of international and regional organizations.

Now that the need to address the global illicit drug problem has been recognized, that approach has to be based on the principle of shared responsibility. In sound logic, if an internal conflict is financed by the drug trade, the consumers of illicit drugs should share the responsibility for that conflict and of the violations of human rights and of international humanitarian law that occur in it. I must insist on that point. That is why the international community is overdue in initiating effective cooperation on this issue. Such cooperation, in the framework of the United Nations, would set a course and guide the international community in its efforts to support peoples and States that work to maintain the lofty principles of this Organization and

that struggle daily for the protection of the dignity of human beings.

The President: The next speaker inscribed on my list is the representative of Indonesia. I invite him to take a seat at the Council table and to make his statement.

Mr. Wardono (Indonesia): My delegation would like to congratulate the delegation of pakistan on its assumption of the presidency of the Security Council for the month of May and on having convened this important meeting. It is our sincere hope that, through your leadership and esteemed guidance, Mr. President, the Council will carry out its tasks successfully and make a concrete contribution to the critical issues on its agenda.

We also wish to take this opportunity to express our appreciation to the Secretary-General, Mr. Kofi Annan, as well as to Sir Brian Urquhart, Ambassador Jamsheed Marker and Mr. Nabil Elaraby for the insightful and enriching observations they made this morning on the topic under consideration today.

The delegation of Indonesia considers it an honour to participate in this debate on the role of the Security Council in the pacific settlement of disputes. This discussion comes at a time when the credibility of the Council and its responsibility for the maintenance of international peace and security continue to generate intense debate within the international community. Thus, the Council's role in the pacific settlement of disputes forms part of a broader and deeper intellectual, diplomatic and political exercise of practical concern to the peoples of the world.

As is well known, the Security Council often relies on various chapters of the Charter in order to fulfil its responsibilities for international peace and security. In the settlement of disputes, it relies on the powers accorded it in Chapters VI and VII of the Charter. These confer authority on the United Nations to conduct preventive and enforcement measures for the purpose of maintaining international peace and security.

Under Chapter VI of the Charter, the Council enjoys both investigative and recommendatory powers. It is empowered to investigate disputes with a view to ascertaining whether or not their continuance is likely to endanger the maintenance of international peace and security, and to make recommendations for the appropriate terms of a settlement. It is also empowered to call upon the parties involved to settle their disputes by peaceful means and to encourage the development of the pacific settlement of disputes through regional arrangements or by regional agencies.

If we were to consider the broad sweep of history, it would be safe to say that, despite all the flashpoints of conflict that we have experienced at the international level since the end of the Second World War, we would see that the world is, indeed, a safer, more secure place today. The world is further away from war than it was when the Charter was authored by the founding fathers of the United Nations in San Francisco in 1945. The Security Council can take some consolation from that favourable development.

In my delegation's view, such relative peace and security has a good deal to do with the work of the United Nations and with the approach taken by Member States to the determination to save the world from the scourge of war, so eloquently expressed in the Charter. In that connection, the work of the Security Council has been critical, and its work has been given a political foothold and legal authority through the provisions of Chapter VI.

It is now widely acknowledged internationally and politically that development is the flip side of the coin of peace. In the view of my delegation, in every situation — non-conflict, conflict or post-conflict — the currency with the greatest impact is the currency of development. Unless there is development, there can be no justice — and injustice, in turn, is always certain to unravel what amounts only to false peace.

It is also important for the Security Council to fulfil its Charter obligations by being conscious of these imperatives and by being guided by them. Investigations and interventions by the Council can influence law and governance beyond the immediate arena of the United Nations. Thus, it cannot afford to treat them with a sense of levity. Resolutions and statements by the Council must be indexed according to the spirit and letter of the Charter, and must offer the highest assurances of justice to the parties to a dispute.

In this regard, the evolution of international legal arrangements has continued. In 1982, for instance, the General Assembly, in helping to enhance the effectiveness of the role of the Security Council in the peaceful settlement of disputes, adopted the Manila Declaration on the Peaceful Settlement of International

Disputes. In it, the General Assembly called upon Member States to

> "strengthen the primary role of the Security Council so that it may fully and effectively discharge its responsibilities, in accordance with the Charter of the United Nations, in the area of the settlement of disputes or of any situation the continuance of which is likely to endanger the maintenance of international peace and security." (*General Assembly resolution 37/10, annex*)

The principles of the Manila Declaration were further elaborated in 1988, in the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field; and in the 1991 Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security. In this regard, an important area of concern and emphasis in these developments has been the balance between the right of States to settle their disputes on the basis of the principle of free choice of the means towards that end, and the Security Council's responsibility concerning pacific settlement.

Unfortunately, it can hardly be said that the Council has always maintained the highest standards with regard to these or other responsibilities or that it has lived up to these high ideals. There have been instances when parties to a dispute or Member States of the United Nations have pointed accusing fingers at the Council for what were perceived as double standards or disparities in its response to a variety of situations. No case can rise beyond the confidence that the character of its presiding judge brings to it, and in the pacific resolution of disputes it is critical that the impartiality of the judge be beyond reproach or dispute to begin with; that is a basic requirement.

Before concluding, I would like to say that it must also be remembered that the broader issue of Security Council reform remains before this body and the wider membership of the United Nations. In our view, these issues can be taken either separately or together — but they must be addressed. Thus, the United Nations must demonstrate an ability to speak with one voice, to work together and to abide by agreed principles.

The President: The next speaker on my list is the representative of Ethiopia. I invite him to take a seat at the Council table and to make his statement.

Mr. Hussein (Ethiopia): First, I would like to congratulate you, Sir, on your assumption of the presidency of the Council for the month of May and also to extend a special thanks to the Pakistani presidency for convening this meeting. As well, we are very fortunate to have three eminent experts and personalities with us this morning and this afternoon.

The issue we are discussing today is of vital importance to the United Nations and to the international community in general. Under the Charter, the pacific settlement of disputes is one of the major functions of the United Nations. It has always been so, and I hope it will remain so, at least for the foreseeable future. Hence, the discussion of this topic today is of absolute necessity and very timely.

As we all know, the Secretary-General is given the responsibility, under Article 99 of the Charter, to bring to the attention of the Council issues pertaining to international peace and security. Of course, the Council remains the guardian of international peace and security.

Over the last decade alone, we have witnessed all-out wars consuming tens of thousands of lives. We have witnessed acts of genocide. We have seen minor misunderstandings degenerate into large-scale wars. I know I am not raising new questions. But some questions need to be raised again and again until we find suitable answers for them.

What went wrong? Have we fared any better since the establishment of the United Nations, in terms of preventing conflicts? Could we not have done better? Could we not have prevented, for example, the genocide in Rwanda? Could we prevent the continuing, I would say, slaughter of civilians that is going on right now in the Democratic Republic of the Congo? The list is long. No one can deny that the United Nations system has made a significant contribution in all areas that fall under its mandate. But it is difficult to give an affirmative answer to the aforementioned questions. Neither can one fully defend the suggestion that the United Nations and the Security Council have found it to be beyond their capacity to contain or help contain those situations that sometimes shamed humanity.

I do not want to repeat what has been eloquently stated by those who spoke before me. That is why I do not have a printed statement. I had to rewrite my statement here. There is a Somali saying in the Horn of Africa: you do not speak because you have not spoken, but only because there is something that has been left unsaid. I hope that what I have to say now is something that was not said. If it has been said, then I may have not been listening, which I hope is not the case.

I would like to raise a few points. Many speakers before me have cited the importance of settling disputes by peaceful means, as is stipulated under Chapter VI. There is nothing more desirable than the peaceful settlement of disputes. My country, as a founding Member of the United Nations, subscribes to that very strongly. But what happens when States and organizations in inter-State conflict ignore what is in Chapter VI? Moreover, in disputes within States, a party to a conflict may also act other than as it should. What should be done in such cases? The Brahimi report responded to that when it recommended calling a spade a spade. I am sure that at least two of our distinguished personalities here have also spoken about this. We should therefore point our finger at the culprit or culprits and take appropriate action.

We in Ethiopia know only too well that the international institutions charged with maintaining peace and security have not always acted to maintain collective security. In the mid-1930s the predecessor to the United Nations, the League of Nations, failed to take action against Mussolini when he invaded my country. It is on record that the Emperor at that time said in Geneva: Today it is Ethiopia, tomorrow it will be you if you do not take action. What happened? We were a member of the League of Nations, too. Justice was not done. Sanctions were imposed on both Ethiopia and Mussolini's Italy at that time. Ethiopia was again subject to a similar — I would say — invasion more recently. I will not go into the details of that.

In 1990, Kuwait was invaded. Although the aggressors were booted out by the international community under United Nations leadership, the Iraqi leadership that perpetrated that aggression was never made accountable until recently, under different circumstances.

I am citing the above cases to underline the fact that the international community, in particular the Security Council, must act in time, in unison and resolutely to ensure that the pacific settlement of those disputes prevails. If those who prefer the peaceful and legal route and those who flout international law and legality are treated in the same way, no matter how great our desire for peace, disputes in those circumstances will not be settled peacefully, despite our wishes and despite all the resolutions we may adopt. But peace would be enhanced if the Security Council took appropriate and timely measures against those who flout international legality and the peaceful route.

Peace will also be enhanced if the Security Council continues to vigorously encourage and support regional organizations, which can play an important role in the pacific settlement of disputes because of their geographical and political proximity to particular conflicts. For example, in the case of Africa, the Intergovernmental Authority on Development, under the African Union, has been working to settle the dispute in the Sudan. There are very good prospects that, hopefully by early next year at the latest, there will be a settlement of that long dispute, which has resulted in the death of more than 2 million civilians.

With respect to the conflict in Somalia, peace would be enhanced if the Security Council encouraged the role of grass-roots civic organizations in keeping with the multi-track approach to the peaceful settlement of disputes in both inter-State and intra-State conflicts.

There is also the growing and expanding role of media and communication technologies — which, if used in a balanced way, would also facilitate early efforts at peacemaking. We know that, in cases where that is not done, the media sometimes can in fact contribute to lengthening, and giving a wrong picture of, conflicts. In fact, by not talking about conflicts at all the media can also contribute to obscuring the fact that conflicts are arising in some parts of the world. That is also particularly the case in Africa, as well as, of course, in cases where the interests of big countries and Powers are not directly involved.

As we know, those who are, for example, perpetuating the conflicts in the Democratic Republic of the Congo and Burundi could be very easily dealt with. We could also have easily dealt with those who were perpetuating the conflict in Angola when we knew that there was a party to that conflict that refused

to accept what was agreed upon. Because the Security Council and the international community did not act, that conflict was lengthened, and hence the problems in that part of Africa.

Finally, I would like to speak about the role of the Secretary-General, who is perceived as neutral, in carrying out personal mediation efforts or in dispatching, as he sometimes does, his special representatives, envoys and so-called friends of the Secretary-General. That practice should continue to be strengthened and supported by the Council, which is not the case in some situations. We must mention — and this is a matter of record — that the Council does not in fact support the Secretary-General in this area.

My delegation is a firm believer in strengthening the world body that is the United Nations. It is for that reason that we will also not shy away from pointing out weaknesses and from sometimes making what we believe to be constructive criticisms.

The President: I thank the representative of Ethiopia for his kind words addressed to me.

The next speaker inscribed on my list is the representative of Armenia. I invite her to take a seat at the Council table and to make her statement.

Ms. Davtyan (Armenia): At the outset, my delegation would like to congratulate Pakistan on its assumption of its duties as President of the Security Council. We would also like to congratulate Mexico on its successful completion of its presidency. Lastly, we would like to thank the delegation of Pakistan for organizing this very important meeting. We believe that this is an interesting and thought-provoking discussion that provides a good opportunity to once again pause and reflect upon the ever-important matters of international security and the peaceful settlement of disputes.

In order to reach the noble objective of the peaceful coexistence of nations, vigorous action at the bilateral, regional and multilateral levels should be pursued. Certainly, the Security Council has the primary responsibility for the maintenance of international peace and security, as conferred upon it by the Charter of the United Nations. While modern threats to international peace and security are taking new shapes and forms, in its responses to various conflicts the Security Council should also make an effort, to the extent possible, to reflect the legal and historic aspects of conflicts. That could further enhance the effectiveness of the implementation of Security Council resolutions.

We would also like to emphasise the role of the Security Council under Chapter VIII to encourage the pacific settlement of disputes through regional arrangements and agencies. We believe that such organizations are better placed and equipped to respond to particular disputes, and that they can contribute to the activities of the Security Council to that end.

The Charter of the United Nations reaffirms our collective faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small. Indeed, this is what must be put at the core of our policies in order for us to succeed in our common struggle for peace and security in the world. This can be achieved by addressing the root causes of conflict, by promoting economic, social and cultural development and by ensuring universal respect for, and effective enjoyment of, human rights by all, including the right of peoples to self-determination. In this regard, one cannot fail to recall the very crucial role that the United Nations, and the Security Council in particular, played in realizing one of its success stories, the case of Timor-Leste.

Unfortunately, we in our region must also struggle to resolve conflicts and ensure peace and security. The conflict in Nagorny Karabakh was not the result of armed aggression, as Azerbaijan tries to present it, but the forced resort to self-defence of the Karabakh population. That was the only choice left to them in order to avoid mass deportation and massacre following their peaceful, legal and just quest for self-determination.

Moreover, Azerbaijan's claim on Nagorny Karabakh and its blind adherence to the principle of territorial integrity is legally deficient and invalid, as Nagorny Karabakh has never been a part of independent Azerbaijan. It was arbitrarily incorporated into the administrative borders of Soviet Azerbaijan. Consequently, after the break-up of the Soviet Union, the people of Nagorny Karabakh peacefully exercised their right to self-determination through popular vote, in accordance with the laws and the constitution of the former Soviet Union and international law. Unfortunately, their quest for self-determination was answered by a military onslaught against them.

With regard to the Security Council resolutions mentioned by the representative of Azerbaijan, if one chooses to refer to a document it is imperative that the reference be made correctly. Armenia has done exactly what Security Council resolutions have called for: to use its good offices with the leadership of Nagorny Karabakh to help find a peaceful solution to the conflict through negotiations within the framework of the Minsk Group of the Organization for Security and Cooperation in Europe.

It is particularly alarming that, despite the ceasefire in place and the peace negotiations under way, there are forces in Azerbaijan, including within high-level official circles, who are calling for a military solution of the conflict. Indeed, it is up to Azerbaijan to engage in the peace process constructively and to negotiate in good faith in order to achieve a speedy resolution to the conflict. My Government has always been an advocate of a peaceful resolution of conflict through mutual compromises based on the realities on ground.

The President: We have heard the last speaker on my list. With the consent of the Council, I shall now give the floor to Sir Brian Urquhart and Judge Nabil Elaraby to respond, if they so wish, to the comments and questions that have been raised. I call on Sir Brian Urquhart.

Sir Brian Urquhart: I greatly appreciated having a chance to listen to this very serious, thought-provoking and, indeed, quite imaginative debate on an extremely important and really very difficult subject. I have absolutely nothing to add to the many ideas and suggestions that have been put forward.

Coming back here after many years, I am impressed all over again, I must say, by the way the Security Council is a curious combination of formality and informality. Of course, the informal side would inevitably lose its value if it were ever publicized. But what impresses me is the reality of 15 highly qualified and dedicated delegations working together day and night on a wide variety of problems — and most of the time working as a team. I think that is a very encouraging sign of the vitality of the Security Council and also of a great deal more work on the peaceful settlement of disputes than the public at large has any idea of. Of course, the formal development of the means of peaceful settlement of disputes may well be a great deal slower to come about. I hope very much that suggestions made in this debate will serve to speed up that very important process.

The President: I thank Sir Brian Urquhart for his clarifications.

I now give the floor to Judge Nabil Elaraby.

Mr. Elaraby: For me also, sitting here today after four years' absence from the Security Council was definitely educational. We all heard comments and assurances from States members of the Council regarding the need to improve and enhance the Council's capacity in the area of the pacific settlement of disputes. The first step towards improvement is to recognize that every system has its defects. Many proposals were made here today, and the overall approach was that members must dedicate themselves to emphasizing their commitment to strengthening the Council. That is a point that should be regarded as very positive.

In the area of preventive diplomacy, it was made very clear this morning by many, quoting the Secretary-General, that we must move from a culture of reaction to a culture of prevention. Here, of course, the Secretary-General's role is very important. His office holds endless potential in the area of the peaceful settlement of disputes; it has definitely surpassed the expectations of those who drafted the Charter in 1945. One can now say that the office of the Secretary-General symbolizes one of the basic purposes of the Charter: to be a centre for harmonizing the actions of nations in the attainment of the common objectives of the United Nations.

This morning, the representative of Germany, in referring to the settlement of disputes and their referral to the International Court of Justice, mentioned my name, saying that perhaps I should like to elaborate on that. So I shall do so very, very briefly.

There are three areas here: the first is wider acceptance of the compulsory jurisdiction of the International Court of Justice — as I said, to date, only 63 out of 190 States have accepted its jurisdiction; the second is more referrals of disputes to the Court by the Security Council, in accordance with paragraph 3 of Article 36 of the Charter; the third is the question of requests for advisory opinions. But if one looks at those three different approaches, one sees that the problem really is that disputes are not taken voluntarily to the International Court of Justice by the parties or

through the Council, through the General Assembly or through the Secretary-General. By "through the Secretary-General", I mean that he can call upon the parties; he still does not have any authority to ask for an advisory opinion.

Many have said that disputes may be politically inspired or politically motivated. Even before the present International Court, the Permanent Court of International Justice tried to clarify that point by saying that a dispute is a disagreement on a point of law or of fact. The present Court has made it very clear that it is aware that political aspects may be present in any legal dispute before it:

> "The Court, as a judicial organ, is however only concerned to establish, first, that the dispute before it is a legal dispute, in the sense of a dispute capable of being settled by the application of principles and rules of international law, and secondly, that the Court has jurisdiction to deal with it, and that that jurisdiction is not fettered by any circumstance rendering the application inadmissible." (*Border and Transborder Armed Actions (Nicaragua* v. *Honduras), Jurisdiction and Admissibility, Judgment, International Court of Justice Reports 1988, p. 91, para. 52*)

So the question of the political aspects of disputes should not really prevent the referral of disputes to the International Court of Justice.

Today, the Security Council made very important and relevant proposals to enhance its role in the pacific settlement of disputes. In fact, a wealth of relevant material exists in the archives of the United Nations. The worthy exercise initiated by you, Mr. President, in holding this special meeting should be pursued vigorously in order to translate existing ideas and proposals into agreed practice.

In that context, I believe that the Security Council may find it appropriate to proceed on three parallel tracks. The first track is early involvement in disputes and active exercise of preventive diplomacy. I think there is general agreement on that; the main thing is to increase such involvement. The second track is always seeking to clarify legal matters. The third track is actively and genuinely reviewing the Council's working methods. Such internal reflection is needed to provide the Council with appropriate tools to carry out its responsibilities. It is time to embark on an action-oriented effort to gain common ground for internal reform.

In conclusion, I should like to express my thanks, appreciation and gratitude to you, Ambassador Akram, and to the Mission of Pakistan. I hope that the process that you initiated will be a successful one.

The President: I thank Judge Elaraby for his comments and his kind words. That brings us to the end of our discussion.

After consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

> "The Security Council, guided by the purposes and principles of the United Nations Charter, reaffirms its commitment to maintain international peace and security through effective collective measures for the prevention and removal of threats to the peace or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.
>
> "The Security Council recognizes that the United Nations and its organs can play an important role in preventing disputes from arising between parties, in preventing existing disputes from escalating into conflicts, and in containing and resolving the conflicts when they occur. The Security Council recalls, in this regard, the successes of the United Nations in these areas.
>
> "The Security Council recalls that the Charter of the United Nations, particularly Chapter VI, sets forth means and a framework for the pacific settlement of disputes.
>
> "The Security Council underscores that the efforts to strengthen the process of the peaceful settlement of disputes should be continued and made more effective.
>
> "The Security Council reiterates its commitment to make a wider and effective use of the procedures and means enshrined in the provisions of the Charter of the United Nations on the pacific settlement of disputes, particularly Articles 33 to 38 (Chapter VI), as one of the

essential components of its work to promote and maintain international peace and security.

" The Security Council decides to continue to keep this item under review."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2003/5.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5 p.m.